

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gerald FOURNAND *et al.*

Serial No.: 10/598,979

Filed: September 15, 2006

For: OPTICAL LENS HOLDER

Group Art Unit: 2837

Examiner: Unknown

Atty. Dkt. No.: ESSR:124US

Confirmation No.: 2813

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: March 6, 2008

**REQUEST FOR REFUND OF IMPROPER MULTIPLE DEPENDENT CLAIM FEE
CHARGED TO DEPOSIT ACCOUNT**

MAIL STOP 16 - Refund Branch

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Commissioner:

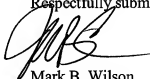
This is a request for a refund of \$370.00 in the above-identified application which was improperly charged to Fulbright & Jaworski L.L.P. Deposit Account No.: 50-1212. This charge is shown on page 1, SEQ. 19, of the monthly Deposit Account statement for December 2007 (copy attached as Appendix A). This request for refund is being made within two years of the date of the deposit account statement indicating such charge pursuant to 37 C.F.R. 1.26(b).

The fee charged for which this refund is requested was for fee code 1616, multiple dependent claim fee. Applicants believe the Office has made a mistake in charging the multiple dependent claim fee. It appears that the Office failed to eliminate the multiple dependent claim fee when calculating the claims fees due with the filing of the response to the Notice of Insufficient Fees. On December 11, 2007, Applicants filed a response to the Notice of Insufficient Fees accompanied by a Second Preliminary Amendment (copy attached as Appendix

B). In the Second Preliminary Amendment, Applicants cancelled claims 1-48 of the PCT application and replaced them with new claims 49-100, none of which were multiple dependent claims, resulting in a total of 52 claims. Applicants note that the Office properly calculated all the other claims fees in accordance with the Preliminary Amendment filed with the response to the Notice of Insufficient Fees; however, Applicants believe that the multiple dependent claim fee is improper.

Therefore, the \$370.00 charge for multiple dependent claims should be refunded. The Commissioner is hereby requested to make this refund by crediting Fulbright & Jaworski L.L.P. Deposit Account No.: 50-1212/ESSR:124US in the amount of \$370.00.

Respectfully submitted,



Mark B. Wilson
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Attorney for Applicants

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600 Congress Avenue, Suite 2400
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Date: March 6, 2008

APPENDIX A



United States Patent and Trademark Office

United States Patent and Trademark Office
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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

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| DATE POSTED | | | DESCRIPTION | DOCKET NO. | FEE CODE | CHARGES/ CREDITS (-) | BALANCE |
|--|-----|-----|-----------------------------|---------------------|---------------|----------------------|-----------------|
| MO. | DAY | YR. | (Serial, Patent, TM, Order) | | | | |
| 12 | 03 | 07 | 10505030 | DEBE:041US | 1462 | \$400.00 | \$87,619.00 |
| 12 | 04 | 07 | 3274110 | | 6212 | \$100.00 | \$87,519.00 |
| 12 | 05 | 07 | 10241368 | ARCA:006US | 2202 | \$550.00 | \$86,969.00 |
| 12 | 06 | 07 | 10862830 | UTSC:785US | 2202 | \$450.00 | \$86,519.00 |
| 12 | 07 | 07 | 10147560 | ESSR:063US | 1201 | \$210.00 | \$86,309.00 |
| 12 | 07 | 07 | 10147560 | ESSR:063US | 1202 | \$1,300.00 | \$85,009.00 |
| 12 | 10 | 07 | 11550353 | THMC:015USC1 | 2201 | \$105.00 | \$84,904.00 |
| 12 | 10 | 07 | 11550353 | THMC:015USC1 | 2202 | \$50.00 | \$84,854.00 |
| 12 | 12 | 07 | 11379522 | DEKA:440US | 1201 | \$210.00 | \$84,644.00 |
| 12 | 13 | 07 | 10394517 | UTSG:253US | 2252 | \$230.00 | \$84,414.00 |
| 12 | 13 | 07 | PCT/US02/17268 | TC387PCT | 1605 | \$-490.00 | \$84,904.00 |
| 12 | 13 | 07 | PCT/US02/17268 | TC387PCT | 1705 | \$-146.00 | \$85,050.00 |
| 12 | 14 | 07 | 10598979 | ESSR:124US/10612008 | 1255 | \$2,230.00 | \$82,820.00 |
| 12 | 14 | 07 | 61007344 | CLFR:286USP1 | 2005 | \$105.00 | \$82,715.00 |
| 12 | 18 | 07 | 10598979 | ESSR:124US/10612008 | 1642 | \$410.00 | \$82,305.00 |
| 12 | 18 | 07 | 10598979 | ESSR:124US/10612008 | 1633 | \$210.00 | \$82,095.00 |
| 12 | 18 | 07 | 10598979 | ESSR:124US/10612008 | 1617 | \$130.00 | \$81,965.00 |
| 12 | 18 | 07 | 10598979 | ESSR:124US/10612008 | 1615 | \$1,600.00 | \$80,365.00 |
| 12 | 18 | 07 | 10598979 | ESSR:124US/10612008 | 1616 | \$370.00 | \$79,995.00 |
| 12 | 20 | 07 | E-REPLENISHMENT | | 9203 | \$-7,024.00 | \$87,019.00 |
| 12 | 28 | 07 | 10777764 | IOWA:047US | 2252 | \$230.00 | \$86,789.00 |
| 12 | 31 | 07 | 61012050 | 3D 700 06PROV | 2085 | \$260.00 | \$86,529.00 |
| AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT | | | | OPENING BALANCE | TOTAL CHARGES | TOTAL CREDITS | CLOSING BALANCE |
| | | | | \$88,019.00 | \$9,150.00 | \$7,660.00 | \$86,529.00 |

APPENDIX B

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
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Serial No.: 10/598,979

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CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, facsimile number (703) 273-6300 on the date below:

December 11, 2007
Date

Mark B. Wilson

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit this Second Preliminary Amendment in the above-referenced case. Consideration of this application in view of the amendments made herein is respectfully requested.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 8 of this paper.

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AMENDMENTIn the Claims:

Please amend the claims as shown in the following listing of claims, which will replace all prior versions and listings of claims in the application.

1.-48. (Canceled)

49. (New) A method of treating an optical lens comprising:

obtaining an optical lens to be treated;

a placing the lens in an optical lens holder comprising a support and a first and a second arm defining a lens holder general plane, the first and second arms being relatively movable with regard to each other and each arm having spaced apart first and second end portions and an intermediate portion, the arms being mounted on the support through their first end portions and the second end portions of each arm adapted to accommodate an optical lens during use, whereby an optical lens can be maintained within the first and second arms with its optical axis orthogonal to the general plane of the lens holder through at least one contact point between the lens periphery and each of the first and second arms, wherein at least the second end portion of each arm comprises a material having a dielectric constant at 1 MHz equal to or higher than the dielectric constant of the optical lens material; and

treating the lens while it is in the holder.

50. (New) The method of claim 49, wherein treating the lens comprises a corona discharge treatment.

51. (New) The method of claim 49, wherein the optical lens holder is further defined as comprising one to eight contact points between the lens periphery and each of the first and second lens arms.

52. (New) The method of claim 51, wherein the optical lens holder is further defined as comprising one to six contact points between the lens periphery and each of the first and second lens arms.

53. (New) The method of claim 52, wherein the optical lens holder is further defined as comprising one or two contact points between the lens periphery and each of the first and second lens arms.
54. (New) The method of claim 49, wherein the support is not electrically conductive.
55. (New) The method of claim 49, wherein the material of the second end portions of the arms has a dielectric constant at 1 MHz of 3.0 or more.
56. (New) The method of claim 49, wherein the material of the second end portion of the arms has a specific heat ($\text{kJ kg}^{-1} \text{K}^{-1}$) higher than the specific heat of the optical lens material.
57. (New) The method of claim 56, wherein the material of the second end portion of the arms has a specific heat higher than $1.2 \text{ kJ kg}^{-1} \text{K}^{-1}$.
58. (New) The method of claim 49, wherein the material of the second end portions of the arms comprises polyacrylonitrile-butadiene-styrene (ABS), a polyoxymethylene homo or copolymer (POMI or POMC), cellulose acetate (CA), cellulose acetate butyrate (CAB), a polyamide, a polyetherimide (PEI), a polymethylmethacrylate (PMMA), or a polyaramide.
59. (New) The method of claim 49, wherein the second end portion of each arm is either made of or covered with an electroconductive material.
60. (New) The method of claim 59, wherein the electroconductive material is a metal.
61. (New) The method of claim 59, wherein the intermediate portion and first end portion of the arms are made of an electrically insulating material.
62. (New) The method of claim 49, wherein the second end portion of the arms are thinner than the intermediate and first end portions in a direction orthogonal to the general plane of the lens holder.
63. (New) The method of claim 62, wherein the thickness of the second end portion ranges from 2 mm to less than 13 mm.

64. (New) The method of claim 49, wherein each of the second end portions of each arm adapted to accommodate an optical lens during use lens comprises a recess having a bottom wall and two inclined sidewalls.
65. (New) The method of claim 64, wherein the inclined sidewalls form an angle of at least 120° with the bottom wall.
66. (New) The method of claim 49, wherein the support comprises a pair of parallel rails, the first and second arms being movable by translation on said pair of rails, relatively to each other.
67. (New) The method of claim 49, wherein the second end portion of the second arm is provided with an additional portion adapted to accommodate an optical lens during use, and further comprising a third arm opposite to the first arm and lying in the lens holder general plane, relatively movable with regard to the second arm and having spaced apart first and second end portions and an intermediate portion, the third arm being mounted on the support through its first end portion and the second end portion of the third arm being provided with a portion adapted to accommodate an optical lens during use, whereby an additional lens can be maintained between the third arm and the second arm with its optical axis orthogonal to the general plane of the lens holder through at least one contact point between its periphery and each of the second arm and the third arm, wherein at least the second end portion of the third arm comprises a material having a dielectric strength of 1 MHz equal to or higher than the dielectric constant of the optical lens material.
68. (New) The method of claim 67, wherein the optical lens holder is further defined as comprising one to eight contact points between the lens periphery and each of the second and third lens arms.
69. (New) The method of claim 68, wherein the optical lens holder is further defined as comprising one to six contact points between the lens periphery and each of the second and third lens arms.
70. (New) The method of claim 69, wherein the optical lens holder is further defined as comprising one or two contact points between the lens periphery and each of the second and third lens arms.
71. (New) The method of claim 67, wherein the support is not electrically conductive.

72. (New) The method of claim 67, wherein the material of the second end portions of the arms has a dielectric constant at 1 MHz of 3.0 or more.
73. (New) The method of claim 67, wherein the material of the second end portions of the arms have a specific heat ($\text{kJ kg}^{-1} \text{K}^{-1}$) higher than the specific heat of the optical lens material.
74. (New) The method of claim 67, wherein the material of the second end portions of the arms have a specific heat higher than $1.2 \text{ kJ kg}^{-1} \text{K}^{-1}$.
75. (New) The method of claim 67, wherein the material of the second end portions of the arms comprises polyacrylonitrile-butadiene-styrene (ABS), a polyoxymethylene homo or copolymer (POMH or POMC), cellulose acetate (CA), cellulose acetate butyrate (CAB), a polyamide, a polyetherimide (PEI), a polymethylmethacrylate (PMMA), or a polyaramide.
76. (New) The method of claim 67, wherein the second end portion of each arm is either made of or covered with an electrically conductive material.
77. (New) The method of claim 76, wherein the electroconductive material is a metal.
78. (New) The method of claim 76, wherein the intermediate portion and first end portion of the arms are made of an electrically insulating material.
79. (New) The method of claim 67, wherein the second end portion of the arms are thinner than the intermediate and first end portions in a direction orthogonal to the general plane of the lens holder.
80. (New) The method of claim 79, wherein the thickness of the second end portion ranges from 2 mm to less than 13 mm.
81. (New) The method of claim 67, wherein each of the second end portions of each arm adapted to accommodate an optical lens during use comprises a recess having a bottom wall and two inclined sidewalls.
82. (New) The method of claim 81, wherein the inclined sidewalls form an angle of at least 120° .

with the bottom wall.

83. (New) The method of claim 67, wherein the support comprises a pair of parallel rails, the first and third arms being movable by translation on said pair of rails, relatively to each other.

84. (New) The method of claim 49, wherein the optical lens holder is further defined as comprising two identical spaced apart tabs projecting perpendicularly from the first and second arms, or two identical spaced apart tabs projecting perpendicularly from one of the arms and a single similar tab projecting perpendicularly from the other arm toward the two spaced apart tabs and situated in between the two spaced apart tabs.

85. (New) The method of claim 84, wherein each tab comprises a lens receiving notch at its free end.

86. (New) The method of claim 85, wherein the notch has the shape of a V.

87. (New) The method of claim 86, wherein the angle of the V notch is 90° or more.

88. (New) The method of claim 84, wherein the first and second arms are movable by translation on the support.

89. (New) The method of claim 84, wherein the first and second arms are elastically deformable.

90. (New) The method of claim 84, wherein only the tabs are elastically deformable.

91. (New) The method of claim 84, wherein the material of the second end portions of the arms has a dielectric constant at 1 MHz of 3.0 or more.

92. (New) The method of claim 84, wherein the material of the second end portion of the arms has a specific heat ($\text{kJ kg}^{-1} \text{K}^{-1}$) higher than the specific heat of the optical lens material.

93. (New) The method of claim 84, wherein the material of the second end portion of the arms has a specific heat higher than $1.2 \text{ kJ kg}^{-1} \text{K}^{-1}$.

94. (New) The method of claim 84, wherein the material of the second end portions of the arms comprises polyacrylonitrile-butadiene-styrene (ABS), a polyoxymethylene homo or copolymer (POMH or POMC), cellulose acetate (CA), cellulose acetate butyrate (CAB), a polyamide, a polyetherimide (PEI), a polymethylmethacrylate (PMMA), or a polyaramide.

95. (New) The method of claim 84, wherein the second end portion of each arm is either made of or covered with an electrically conductive material.

96. (New) The method of claim 95, wherein the electroconductive material is a metal.

97. (New) The method of claim 95, wherein the intermediate portion and first end portion of the arms are made of an electrically insulating material.

98. (New) The method of claim 84, wherein the second end portion of the arms are thinner than the intermediate and first end portions in direction orthogonal to the general plane of the lens holder.

99. (New) The method of claim 98, wherein the thickness of the second end portion ranges from 2 mm to less than 13 mm.


100. (New) An optical lens treated with the method of claim 49.

REMARKS

The claims have been amended to cancel claims 1-48 of the PCT application and to add new claims 49-100. Support for the new claims is found in the specification and claims as originally filed. No new matter is added by this amendment.

The claim fees due in response to the Notification of Insufficient Fees (DO/EO/US) dated May 11, 2007, have been calculated after entry of this Preliminary Amendment, which is filed concurrently with the Response to Notification of Insufficient Fees. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required in connection with the filing of this paper, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/ESSR:124US.

Respectfully submitted,


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Date: December 11, 2007